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PATENT

Docket No. 10551/317

#12  
D/A/C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Jonathan S. TILL  
SERIAL NO. : 10/050,879  
FILED : January 18, 2002  
FOR : PRESBYOPIA TREATMENT BY LENS  
ALTERATION  
GROUP ART UNIT : 1615  
EXAMINER : Carlos A. Azpuru

**OFFICE OF PETITIONS**

**Mail Stop DAC**

Commissioner for Patents  
Alexandria, VA 20231

SUPPLEMENTAL SUBMISSION  
TO PETITION UNDER 37 C.F.R. 1.78(a)(3)  
TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM  
UNDER 35 USC §120

SIR:

Applicants respectfully request that the above-identified patent application be amended as follows as a supplement to the Petition under 37 CFR 1.78(a)(3) filed on November 3, 2003:

IN THE SPECIFICATION

Please delete the first paragraph appearing at page 1 under the title and introduced in a preliminary amended filed February 15, 2002, and replace with the following paragraph:

--The instant application is a continuation-in-part of the co-pending utility application serial number 09/930,287 filed August 16, 2001 and entitled "Presbyopia Treatment by Lens Alteration," from which priority is claimed under 35 U.S.C. §120. Application serial number 09/930,287 in turn claims priority under 35 U.S.C. §120 to provisional application serial number 60/225,659 filed August 16, 2000, from which priority is again claimed herein under 35 U.S.C. §120. The instant application further claims priority under 35 U.S.C. §120 to provisional application serial number 60/262,423 filed January 19, 2001. The content of utility application serial number 09/930,287, provisional application serial number 60/225,659 and provisional application serial number 60/262,423 are incorporated herein by reference in their entireties.--

**REMARKS**

The instant submission is being filed as a supplement to the Petition under 1.78 filed on November 3, 2003 to include an amendment to the specification expressly referring to applications from which priority under 35 USC 120 is being claimed.

The undersigned would like to thank Ms. Francis Hicks and Ms. Karen Creasy of the Office of Petitions for their suggestion that the instant submission be filed.

Applicants thus respectfully request that the above identified patent application be permitted: (1) to constitute, under 37 CFR 1.53(b), a continuation-in-part of co-pending utility application serial number 09/930,287 filed August 16, 2001, and (2) to claim the benefit, under 35 USC 120 of:

- a. the filing date of co-pending utility application serial number 09/930,287 filed August 16, 2001; and
- b. the filing date of provisional application serial number 60/225,659 filed August 16, 2000, from which application serial number 09/930,287 claims benefit under 35 USC 120.

The entire delay between the date on which the above claims for priority were due and the date of this submission was unintentional.

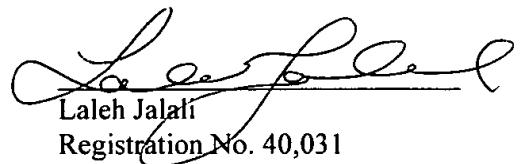
The petition fee for an unintentionally delayed claim for priority under 37 C.F.R. §1.78(a)(3) pursuant to 37 C.F.R. §1.17(t) was already authorized to be paid in the Petition filed on November 3, 2003.

The Commissioner is authorized to charge the above fee and any additional fees, or to credit any overpayment, to Kenyon & Kenyon Deposit Account No. 11-0600.

The Office is invited to contact the undersigned to discuss any matter regarding this Submission.

Respectfully submitted,

Date: 01-15-04



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